

1 exhibited; or (5) any store, or shop, or other place with
2 respect to which any of the above words, objects, signs or
3 designs are used in any advertisement.

4 (b) "Drugs" means and includes (1) articles recognized
5 in the official United States Pharmacopoeia/National
6 Formulary (USP/NF), or any supplement thereto and being
7 intended for and having for their main use the diagnosis,
8 cure, mitigation, treatment or prevention of disease in man
9 or other animals, as approved by the United States Food and
10 Drug Administration, but does not include devices or their
11 components, parts, or accessories; and (2) all other articles
12 intended for and having for their main use the diagnosis,
13 cure, mitigation, treatment or prevention of disease in man
14 or other animals, as approved by the United States Food and
15 Drug Administration, but does not include devices or their
16 components, parts, or accessories; and (3) articles (other
17 than food) having for their main use and intended to affect
18 the structure or any function of the body of man or other
19 animals; and (4) articles having for their main use and
20 intended for use as a component or any articles specified in
21 clause (1), (2) or (3); but does not include devices or their
22 components, parts or accessories.

23 (c) "Medicines" means and includes all drugs intended
24 for human or veterinary use approved by the United States
25 Food and Drug Administration.

26 (d) "Practice of pharmacy" means the provision of
27 pharmaceutical care to patients as determined by the
28 pharmacist's professional judgment in the following areas,
29 which may include but are not limited to (1) patient
30 counseling, (2) interpretation and assisting in the
31 monitoring of appropriate drug use and prospective drug
32 utilization review, (3) providing information on the
33 therapeutic values, reactions, drug interactions, side
34 effects, uses, selection of medications and medical devices,

1 and outcome of drug therapy, (4) participation in drug
2 selection, drug monitoring, drug utilization review,
3 evaluation, administration, interpretation, application of
4 pharmacokinetic and laboratory data to design safe and
5 effective drug regimens, (5) drug research (clinical and
6 scientific), and (6) compounding and dispensing of drugs and
7 medical devices.

8 (e) "Prescription" means and includes any written, oral,
9 facsimile, or electronically transmitted order for drugs or
10 medical devices, issued by a physician licensed to practice
11 medicine in all its branches, dentist, veterinarian, or
12 podiatrist, or therapeutically certified optometrist, within
13 the limits of their licenses, by a physician assistant in
14 accordance with subsection (f) of Section 4, or by an
15 advanced practice nurse in accordance with subsection (g) of
16 Section 4, containing the following: (1) name of the patient;
17 (2) date when prescription was issued; (3) name and strength
18 of drug or description of the medical device prescribed; and
19 (4) quantity, (5) directions for use, (6) prescriber's name,
20 address and signature, and (7) DEA number where required, for
21 controlled substances. DEA numbers shall not be required on
22 inpatient drug orders.

23 (f) "Person" means and includes a natural person,
24 copartnership, association, corporation, government entity,
25 or any other legal entity.

26 (g) "Department" means the Department of Professional
27 Regulation.

28 (h) "Board of Pharmacy" or "Board" means the State Board
29 of Pharmacy of the Department of Professional Regulation.

30 (i) "Director" means the Director of Professional
31 Regulation.

32 (j) "Drug product selection" means the interchange for a
33 prescribed pharmaceutical product in accordance with Section
34 25 of this Act and Section 3.14 of the Illinois Food, Drug

1 and Cosmetic Act.

2 (k) "Inpatient drug order" means an order issued by an
3 authorized prescriber for a resident or patient of a facility
4 licensed under the Nursing Home Care Act or the Hospital
5 Licensing Act, or "An Act in relation to the founding and
6 operation of the University of Illinois Hospital and the
7 conduct of University of Illinois health care programs",
8 approved July 3, 1931, as amended, or a facility which is
9 operated by the Department of Human Services (as successor to
10 the Department of Mental Health and Developmental
11 Disabilities) or the Department of Corrections.

12 (k-5) "Pharmacist" means an individual currently
13 licensed by this State to engage in the practice of pharmacy.

14 (l) "Pharmacist in charge" means the licensed pharmacist
15 whose name appears on a pharmacy license who is responsible
16 for all aspects of the operation related to the practice of
17 pharmacy.

18 (m) "Dispense" means the delivery of drugs and medical
19 devices, in accordance with applicable State and federal laws
20 and regulations, to the patient or the patient's
21 representative authorized to receive these products,
22 including the compounding, packaging, and labeling necessary
23 for delivery, and any recommending or advising concerning the
24 contents and therapeutic values and uses thereof. "Dispense"
25 does not mean the physical delivery to a patient or a
26 patient's representative in a home or institution by a
27 designee of a pharmacist or by common carrier. "Dispense"
28 also does not mean the physical delivery of a drug or medical
29 device to a patient or patient's representative by a
30 pharmacist's designee within a pharmacy or drugstore while
31 the pharmacist is on duty and the pharmacy is open.

32 (n) "Mail-order pharmacy" means a pharmacy that is
33 located in a state of the United States, other than Illinois,
34 that delivers, dispenses or distributes, through the United

1 States Postal Service or other common carrier, to Illinois
2 residents, any substance which requires a prescription.

3 (o) "Compounding" means the preparation, mixing,
4 assembling, packaging, or labeling of a drug or medical
5 device: (1) as the result of a practitioner's prescription
6 drug order or initiative that is dispensed pursuant to a
7 prescription in the course of professional practice; or (2)
8 for the purpose of, or incident to, research, teaching, or
9 chemical analysis; or (3) in anticipation of prescription
10 drug orders based on routine, regularly observed prescribing
11 patterns.

12 (p) "Confidential information" means information,
13 maintained by the pharmacist in the patient's records,
14 released only (i) to the patient or, as the patient directs,
15 to other practitioners and other pharmacists or (ii) to any
16 other person authorized by law to receive the information.

17 (q) "Prospective drug review" or "drug utilization
18 evaluation" means a screening for potential drug therapy
19 problems due to therapeutic duplication, drug-disease
20 contraindications, drug-drug interactions (including serious
21 interactions with nonprescription or over-the-counter drugs),
22 drug-food interactions, incorrect drug dosage or duration of
23 drug treatment, drug-allergy interactions, and clinical abuse
24 or misuse.

25 (r) "Patient counseling" means the communication between
26 a pharmacist or a student pharmacist under the direct
27 supervision of a pharmacist and a patient or the patient's
28 representative about the patient's medication or device for
29 the purpose of optimizing proper use of prescription
30 medications or devices. The offer to counsel by the
31 pharmacist or the pharmacist's designee, and subsequent
32 patient counseling by the pharmacist or student pharmacist,
33 shall be made in a face-to-face communication with the
34 patient or patient's representative unless, in the

1 professional judgment of the pharmacist, a face-to-face
2 communication is deemed inappropriate or unnecessary. In
3 that instance, the offer to counsel or patient counseling may
4 be made in a written communication, by telephone, or in a
5 manner determined by the pharmacist to be appropriate.

6 (s) "Patient profiles" or "patient drug therapy record"
7 means the obtaining, recording, and maintenance of patient
8 prescription and personal information.

9 (t) "Pharmaceutical care" includes, but is not limited
10 to, the act of monitoring drug use and other patient care
11 services intended to achieve outcomes that improve the
12 patient's quality of life but shall not include the sale of
13 over-the-counter drugs by a seller of goods and services who
14 does not dispense prescription drugs.

15 (u) "Medical device" means an instrument, apparatus,
16 implement, machine, contrivance, implant, in vitro reagent,
17 or other similar or related article, including any component
18 part or accessory, required under federal law to bear the
19 label "Caution: Federal law requires dispensing by or on the
20 order of a physician". A seller of goods and services who,
21 only for the purpose of retail sales, compounds, sells,
22 rents, or leases medical devices shall not, by reasons
23 thereof, be required to be a licensed pharmacy.

24 (Source: P.A. 89-202, eff. 7-21-95; 89-507, eff. 7-1-97;
25 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff.
26 7-30-98; 90-742, eff. 8-13-98.)

27 (Text of Section after amendment by P.A. 92-880)

28 Sec. 3. Definitions. For the purpose of this Act, except
29 where otherwise limited therein:

30 (a) "Pharmacy" or "drugstore" means and includes every
31 store, shop, pharmacy department, or other place where
32 pharmaceutical care is provided by a pharmacist (1) where
33 drugs, medicines, or poisons are dispensed, sold or offered
34 for sale at retail, or displayed for sale at retail; or (2)

1 where prescriptions of physicians, dentists, veterinarians,
2 podiatrists, or therapeutically certified optometrists,
3 within the limits of their licenses, are compounded, filled,
4 or dispensed; or (3) which has upon it or displayed within
5 it, or affixed to or used in connection with it, a sign
6 bearing the word or words "Pharmacist", "Druggist",
7 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",
8 "Medicine Store", "Prescriptions", "Drugs", "Medicines", or
9 any word or words of similar or like import, either in the
10 English language or any other language; or (4) where the
11 characteristic prescription sign (Rx) or similar design is
12 exhibited; or (5) any store, or shop, or other place with
13 respect to which any of the above words, objects, signs or
14 designs are used in any advertisement.

15 (b) "Drugs" means and includes (1) articles recognized
16 in the official United States Pharmacopoeia/National
17 Formulary (USP/NF), or any supplement thereto and being
18 intended for and having for their main use the diagnosis,
19 cure, mitigation, treatment or prevention of disease in man
20 or other animals, as approved by the United States Food and
21 Drug Administration, but does not include devices or their
22 components, parts, or accessories; and (2) all other articles
23 intended for and having for their main use the diagnosis,
24 cure, mitigation, treatment or prevention of disease in man
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26 Drug Administration, but does not include devices or their
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28 than food) having for their main use and intended to affect
29 the structure or any function of the body of man or other
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31 intended for use as a component or any articles specified in
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33 components, parts or accessories.

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24 the limits of their licenses, by a physician assistant in
25 accordance with subsection (f) of Section 4, or by an
26 advanced practice nurse in accordance with subsection (g) of
27 Section 4, containing the following: (1) name of the patient;
28 (2) date when prescription was issued; (3) name and strength
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30 (4) quantity, (5) directions for use, (6) prescriber's name,
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12 that delivers, dispenses or distributes, through the United
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14 residents, any substance which requires a prescription.

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17 device: (1) as the result of a practitioner's prescription
18 drug order or initiative that is dispensed pursuant to a
19 prescription in the course of professional practice; or (2)
20 for the purpose of, or incident to, research, teaching, or
21 chemical analysis; or (3) in anticipation of prescription
22 drug orders based on routine, regularly observed prescribing
23 patterns.

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12 patient or patient's representative unless, in the
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20 prescription information, including prescriptions for
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23 to, the act of monitoring drug use and other patient care
24 services intended to achieve outcomes that improve the
25 patient's quality of life but shall not include the sale of
26 over-the-counter drugs by a seller of goods and services who
27 does not dispense prescription drugs.

28 (u) "Medical device" means an instrument, apparatus,
29 implement, machine, contrivance, implant, in vitro reagent,
30 or other similar or related article, including any component
31 part or accessory, required under federal law to bear the
32 label "Caution: Federal law requires dispensing by or on the
33 order of a physician". A seller of goods and services who,
34 only for the purpose of retail sales, compounds, sells,

1 rents, or leases medical devices shall not, by reasons
2 thereof, be required to be a licensed pharmacy.

3 (v) "Unique identifier" means an electronic signature,
4 handwritten signature or initials, thumb print, or other
5 acceptable individual biometric or electronic identification
6 process as approved by the Department.

7 (Source: P.A. 92-880, eff. 1-1-04.)".